

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

PHILLIP C. WEST; ET. AL.

PLAINTIFFS

V.

CIVIL ACTION NO. 5:15-cv-46-KS-MTP

NATCHEZ, MISSISSIPPI, ET. AL.

DEFENDANTS

PLAINTIFFS' MOTION FOR PRELIMINARY  
INJUNCTION TO ENJOIN MALAPPORTIONED  
WARD PLAN AND FOR COURT ORDERED RELIEF

Plaintiffs, by and through counsel of record, pursuant to Fed.  
R.Civ.P. 65(a), move the Court for the entry of an order:

(1) declaring that the six (6) ward  
aldermanic plan in Natchez, Mississippi (NM) has a  
total deviation of 25.49%, is malapportioned and  
violates the one-person one-vote principle of the  
equal protection clause of the Fourteenth Amendment  
of the United States Constitution;

(2) enjoining the further use and  
implementation of the malapportioned aldermanic  
ward plan to conduct aldermanic elections in NM;  
and

(3) enjoining defendants to adopt a new  
aldermanic ward plan based on 2010 census to  
conduct municipal primary elections in NM on  
Tuesday, May 3, 2016 within ninety (90) days of the  
Court's order.

As ground for this motion, in the light of the undisputed  
material facts including judicially noticeable census data,  
plaintiff's would show as follows:

1. According to the 2010 census data, the six (6) wards in  
the August 12, 2003 NM aldermanic plan based on 2000 census data  
and precleared by the United States Attorney General (USAG), on

August 12, 2003, under Section 5 of the Voting Rights Act, have the following total population, ideal ward population, deviation and percentage of deviation from the mean, as follows:

<u>Ward</u>	<u>Total Pop.</u>	<u>Ideal Ward Pop.</u>	<u>Deviation</u>	<u>%</u>
1	2503	2633	-130	-4.93%
2	2544	2633	-89	-3.36%
3	2934	2633	+301	+11.45%
4	2263	2633	-370	-14.04%
5	2692	2633	+59	+2.26%
6	<u>2859</u>	2633	+226	<u>+8.60%</u>
	15,795			25.49%

2. The total deviation among the six (6) wards in the August 12, 2003 NM aldermanic plan based on 2010 census data is 25.49 percent. The NM August 12, 2003 aldermanic ward plan in NM is malapportioned and violates the one person, one vote principle of the Fourteenth Amendment of the United States Constitution, and Section 2 of the Voting Rights Act of 1965 as amended.

3. African American citizens in NM, according to the 2010 census data, African American citizens comprise 58.5 percent of the total population. The NM August 12, 2003 aldermanic ward plan in NM fractures African American population concentrations, dilutes, minimizes and cancels out African American voting strength and denies African American voters in NM an equal opportunity to participate in the electoral processes to elect aldermanic

candidates of their choice.

4. In NM, according the census bureau census tracts reporting population by race the African American voting age population is numerically large and sufficiently geographically compact to constitute a majority in four (4) of the six (6) wards.

5. White bloc voting in NM is legally significant in white versus African American candidate elections both citywide and in wards 3, 5 and 6 and combine and interact with historical conditions to cause an inequality in the opportunities enjoyed by African American voters to elect aldermanic candidates of their choice to the NM board of aldermen under Section 2 of the Voting Rights Act of 1965, as amended.

6. To support their motion for preliminary injunction, plaintiffs rely upon the following admissible exhibits:

Exhibit 1           The NM existing plan statistic  
prepared by Holland and Rigby; and

Exhibit 2           The April 30, 2012 USAG Section 5  
objection Letter

WHEREFORE, plaintiffs pray the entry of an order (a) declaring that the existing NM aldermanic plan precleared by the USAG on August 12, 2003 has a 25.49 percent total deviation, is malapportioned and violates the one person one vote principle; (b) enjoining the further use and implementation of the August 12, 2003 aldermanic ward plan; and (c) enjoining the defendants to adopt a new aldermanic ward plan based on 2010 census that does not violate

the equal protection clause of the Fourteenth Amendment or Section 2 of the Voting Rights Act of 1965 within ninety (90) days in order to conduct municipal primary elections in NM on May 3, 2016; and (e) granting any other relief equitable and appropriate in the premises.

SO MOVED, this the 8<sup>th</sup> day of July, 2015.

Respectfully submitted,

PHILLIP C. WEST, ET. AL.,  
Plaintiffs

By: /s/Ellis Turnage  
ELLIS TURNAGE, Attorney for  
Plaintiffs

OF COUNSEL:

ELLIS TURNAGE, MSB #8131  
TURNAGE LAW OFFICE  
108 North Pearman Avenue  
Post Office Box 216  
Cleveland, Mississippi 38732-0216  
Tel: (662) 843-2811  
Fax: (662) 843-6133  
[eturnage@etlawms.com](mailto:eturnage@etlawms.com)

CERTIFICATE OF SERVICE

I, ELLIS TURNAGE, the undersigned attorney, do hereby certify that I have this day filed the plaintiffs' motion for preliminary injunction with the United States District Court for the Northern District of Mississippi via the PACER/ECF system, which has sent notice to the following ECF participant:

Hon. J. Chadwick Mask  
[cmask@cwplaw.com](mailto:cmask@cwplaw.com)

THIS, the 8<sup>th</sup> day of July, 2015.

/s/Ellis Turnage

ELLIS TURNAGE